

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/549,860
First Named Inventor: Nigel P. Smith
Filed: July 13, 2006
Title: Overlay Metrology Mark
Art Unit: 2811 Examiner: Jesse Y. Moyoshi
Atty Docket: NAN155 (8027) Confirmation No.: 7177

Saratoga, California
April 29, 2009

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

Dear Sir:

This is in Response to the Office Action dated March 31, 2009, which has a statutorily shortened period for response that ends April 30, 2009. The Commissioner is hereby authorized by the undersigned to debit Deposit Account 50-2263 for any underpayment or any additional necessary fees. Please enter the following amendments before taking action on the merits of the above-referenced application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

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